

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

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NATIONAL COUNCIL FOR ADOPTION,  
BUILDING ARIZONA FAMILIES on behalf  
of itself and its birth-parent clients, birth  
parents D.V. and N.L., and baby boy T.W. by  
and through his guardian ad litem PHILIP  
(JAY) MCCARTHY, JR.,

Plaintiffs,

v.

SALLY JEWELL, in her official capacity as  
Secretary of the United States Department of the  
Interior, KEVIN WASHBURN, in his official  
capacity as Assistant Secretary of Indian Affairs,  
BUREAU OF INDIAN AFFAIRS, and the  
UNITED STATES DEPARTMENT OF THE  
INTERIOR,

Defendants.

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Civil Action No. 1:15cv00675

**DEFENDANTS' MOTION TO DISMISS FOR LACK OF SUBJECT-MATTER  
JURISDICTION AND FOR JUDGMENT ON THE PLEADINGS**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(c), and Local Rule 7, Defendants, through their undersigned counsel, respectfully move this Court to dismiss the Complaint in its entirety, or for judgment on the pleadings. The grounds for this motion are set forth in the memorandum of law in support of the motion, which has been filed simultaneously with the motion itself.

In this respect, Defendants have already presented their argument against Count I of the Complaint in their Memorandum of Law in Opposition to Plaintiffs' Motion for Partial Summary Judgment ("Opposition"). ECF No. 48 at 15, 20-30. That argument is summarized in the

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on this date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (“NEF”) to the following:

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Date: September 11, 2015

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/s/  
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